

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BARBARA J. BENFORD,

Plaintiff,

vs.

Civ. No. 00-1758 M/WWD ACE

THE EVANGELICAL LUTHERAN GOOD
SAMARITAN SOCIETY d/b/a MANZANO
DEL SOL GOOD SAMARITAN VILLAGE,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant's Motion to Compel Payment. Defendant seeks payment of \$2,334.16 which is one-half of the cost incurred in producing 21,917 copies in response to discovery demands made by Plaintiff. Defendant had told Plaintiff that the estimated cost of the copying would be \$1,000.00 and that "it may be more"; and that the cost per page would be \$.10. The cost per page was actually \$.20. Plaintiff's argument that more was produced than was sought is not well taken. Plaintiff's counsel declined to make a documents inspection. Plaintiff agreed to pay \$.10 per page for the copies, and Plaintiff received 21,917 copies. Defendant was mistaken in its estimate of the volume to be produced; however, if lesser production had been made, I almost certainly would have been looking at a motion to compel from Plaintiff. I will not penalize Defendant for trying to meet Plaintiff's broad document production demands; however I will hold Defendant to the quoted price per copy of \$.10. No attorney fees will be awarded in connection with this motion. On or before November 9, 2001, Plaintiff shall reimburse Defendant in the amount of \$2,191.70.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE